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Attorneys for Defendants
CHASE BANK USA, N.A.,
erroneously sued as CHASE
MANHATTAN BANK U.S.A.,
N.A., and JPMORGAN CHASE & CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE and DANIEL R.
LLOYD, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

CHASE MANHATTAN BANK U.S.A.,
N.A., a Delaware corporation, CHASE
MANHATTAN BANK U.S.A., N.A.
d.b.a. CHASE BANK U.S.A., N.A.,
JPMORGAN CHASE & CO., a
Delaware corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No. CV-07-4732 MJJ

THE HON. MARTIN J. JENKINS

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS**

DATE: December 4, 2007

TIME: 9:30 a.m.

PLACE: Courtroom 11
19th Floor
450 Golden Gate Ave.
San Francisco, CA 94102

1 The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil
2 Procedure (the "Motion") filed by defendants ("Defendants") in the above-captioned
3 action came on for hearing on December 4, 2007, at 9:30 a.m. in Courtroom 11 of
4 the above-entitled Court, the Honorable Martin J. Jenkins presiding. Hale &
5 Associates appeared on behalf of plaintiffs David J. Lee and Daniel R. Lloyd
6 ("Plaintiffs") and Stephen J. Newman of Stroock & Stroock & Lavan LLP appeared
7 on behalf of Defendants.

8 After consideration of the evidence, pleadings, briefs and oral argument
9 presented, as well as all other matters presented to the Court, and good cause having
10 been shown:

IT IS HEREBY ORDERED that:

11 The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil
12 Procedure is **GRANTED** in its entirety and the Complaint is **DISMISSED** in its
13 entirety and without leave to amend.

14 Dated:

THE HONORABLE MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

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